

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

May 19, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, May 19, 2009 at 7:05 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

Chairman Hammer called the meeting to order at 7:05 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum)

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley			✓
Robert Jurasin			✓
Frederick Petrelli	✓		
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki			✓
James Hughes (alternate)	✓		
David Drake (alternate)	✓		
Thomas Dean (alternate)	✓		

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Chairman Hammer noted that there were 6 full members and 3 alternates in attendance at the time of roll call. All members present to participate.

2. OLD BUSINESS

There was no old business.

3.0 NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1664-09-Z Douglas and Theresa Benedetto Seeking a Special Permit in accordance with Section 3.6.G.4. of the Wethersfield Zoning Regulations to construct an accessory outbuilding (pool house) larger than permitted in a residential zone at 545 Highland Street.

Mr. Benedetto described the 384 sq. ft. accessory outbuilding that would be constructed adjacent to the 16x32 ft. in-ground swimming pool currently on his 6-acre primary residential building lot which borders the 1820 Reservoir. There are tall, white pine trees along the border of the property, and the outbuilding would not be visible to the neighbors or Highland Street. Proper legal notice was provided to the adjacent property owners.

Discussion: Commissioners Hammer and Drake both made an inquiry regarding the interior/facilities of the structure. The Applicant indicated that approximately half of the structure would be screened in and some tiling may be completed on perhaps half of the flooring of the structure.

Commissioner Oickle made an inquiry as to whether the elevation of the land would be modified for this structure. The Applicant indicated that land modifications would be required to accommodate the structure.

Commissioner Hughes inquired and the Applicant confirmed that the accessory outbuilding will be located between the putting green and the pool.

Mr. Gillespie stated that notices of this Application are on file and that notice was made and published as legally required. He further stated that no public response was received regarding this Application.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public.

Motion: Commissioner Hughes made a motion to close the public hearing.

Second: Commissioner Petrelli seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Motion: Commissioner Oickle made a motion to approve APPLICATION NO. 1664-09-Z Douglas and Theresa Benedetto Seeking a Special Permit in accordance with Section 3.6.G.4. of the Wethersfield Zoning Regulations to construct an accessory outbuilding (pool house) larger than permitted in a residential zone at 545 Highland Street, as submitted.

Second: Commissioner Knecht seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Application approved as submitted.

3.2 PUBLIC HEARING APPLICATION NO. 1667-09-Z Ronald Gronback Seeking a Special Permit in accordance with Section 3.5.1.B.4., of the Wethersfield Zoning Regulations to park a camper larger than permitted in a residential zone at 299 Goff Road (Renewal).

Mr. Gronback indicated that in 2004, the Zoning Board of Appeals granted a 5 year approval to park his 38 ft. camper at 299 Goff Road from the Zoning Board of Appeals. He stated that to this date, he has not received any objection from his neighbors. He mentioned that he and his wife plan to utilize the camper away from home on a more frequent basis in the near future. Therefore, he contends that the camper will remain away from the above-mentioned residential zone more often than not.

Mr. Alan Dornan, who has resided at 310 Goff Road (corner of Goff Road and Desmond Drive) since 1976, appeared before the Commission and indicated that he has no objection to the Applicant, Mr. Gronback, having the subject camper at the Applicant's residential property (zone) of 299 Goff Road. Mr. Dornan resides directly across the street from the Applicant and subject residential zone.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were none.

Motion: Commissioner Hughes made a motion to close the public hearing.

Second: Commissioner Munroe seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Knecht, Harley, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Discussion:

Commissioners Oickle and Drake questioned whether the Applicant could park the subject vehicle further back into his property from the street. The Applicant indicated that having a pond and gardens prohibits him from parking the subject vehicle further back into the subject residential zone. The Applicant noted that his property borders Kahn Industries.

Commissioner Hammer questioned whether Applicant's subject vehicle could be seen from the street. The Applicant indicated that the subject vehicle could be seen from the street.

Commissioner Drake made an inquiry as to what the basis was for the ZBA's granting of the initial application (5 years ago). The Applicant indicated that he obtained a signed petition from his neighbors in support of the initial application.

Commissioner Dean made an inquiry as to what the Applicant would do if the Commission denied this Application. The Applicant stated that he would register the subject vehicle in another town and that town would receive the \$1,000.00 tax revenue for this vehicle. Commissioner Dean inquired if the Applicant has explored alternative arrangements for storing the subject vehicle. The Applicant indicated that since he has property in Rocky Hill, CT, he would store the vehicle there if necessary.

Commissioner Oickle was concerned that accepting this Application could impact enforcement of the regulations now in effect for vehicles as described in this Application. Commissioner Hammer suggested that assigning a term of years may mitigate future enforcement issues that could arise.

Commissioner Drake suggested that the burden of obtaining neighbor consent, according to legal notice requirements, be placed on the Applicant should he file a renewal application in the future. He further noted his concern with public policy implications should this renewal Application be approved. He reasoned that the Commission as a whole is objecting to the basic concept of this Application while reviewing this renewal Application in consideration of the initial ZBA approval 5 years ago.

Mr. Gillespie noted that twenty-one neighbors (those within a 300 foot radius of the residential property described in the Application) received notice of this Application, and none of the neighbors (other than Mr. Dornan, who spoke in favor at this hearing) have responded.

Mr. Munroe noted that the plot plan on file with the Town has been improperly modified, as it lacks the date and subscribers initials with regard to drawings deck and hot tub structures. Prior to adding said structures, the plot plan was originally signed and sealed by a licensed land surveyor.

Motion: Commissioner Dean motioned to approve APPLICATION NO. 1667-09-Z Ronald Gronback Seeking a Special Permit in accordance with Section 3.5.1.B.4., of the Wethersfield Zoning Regulations to park a camper larger than permitted in a residential zone at 299 Goff Road (Renewal), subject to the 3 following conditions:.

1. The term of this permit is for 3 years.
2. Upon expiration of this 3-year permit, the applicant must provide a petition signed by the property owners who are located within a 200 foot radius of 299 Goff Road, the address of the applicant. The petition must indicate that those within the 200 foot radius approve of the subsequent application.
3. The subject vehicle in a subsequent petition and application must be the same vehicle described in this Application.

Second: Commissioner Drake seconded the motion.

Vote: 8 - 1 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Hughes, Drake, Dean

Nay: Oickle

Abs: None

The Application was approved with three conditions.

4. OTHER BUSINESS

4.1 Mandatory Referral C.G.S. § 8-24 Review No. 16-09-MR – Acceptance of parcel 122-010 –Folly Brook Open Space. Mr. Gillespie stated that Mr. and Mrs. George A. Moquin, Jr. wish to donate a parcel of land that is approximately 2,500 square feet to the Town of Wethersfield. The Town of Wethersfield owns property that abuts this land. Mr. Gillespie noted that the land has very little potential use, as it abuts Folly Brook and the Folly Brook Commons (55 and Older Housing Community). The owners have approached the Town Council and have submitted a letter stating their interest in donating this parcel to the Town. Therefore, the Town Council is referring the matter to the Commission for an advisory opinion. Also, the Town spoke with the developer of Folly Brook Commons, and the developer indicating that this parcel is of no interest to him, drainage purposes or otherwise.

Discussion:

Mr. Hammer inquired as to whether the parcel has any identifiable benefit or burden to the Town provided that the Town owns the surrounding area. Mr. Gillespie indicated that if this small parcel of land were isolated from Town land, he would be inclined not to make a recommendation for acquisition. However, this parcel borders Town owned land, and he would consider adding it to the Town land holdings.

Mr. Dean inquired as to land use planning implications for the Commission's action. Mr. Gillespie indicated that the land abuts the Noak property which contains the Folly Brook itself. Therefore, it technically prevents development of that property which can result in conservation land use benefits.

Mr. Hammer inquired and Mr. Gillespie confirmed that the current Owners are not seeking to impose any limitations on what the Town can do with the land.

Motion: Commissioner Roberts motioned to make a positive referral to the Town Council for acceptance of the parcel, as: (1) the parcel is contiguous with the Town land (open space) bordering it thus making it possible for the Town to own land one entire street's side; (2) the parcel is undevelopable as is; and (3) the parcel would have a negligible impact on the Town's Plan of Conservation and the development of Town's the grand list.

Second: Commissioner Dean seconded the motion.

Vote: 9 – 0 – 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

4.2 Discussion regarding Commercial Vehicle Regulations. The Committee discussed the issue, and Mr. Gillespie will provide examples of modifications to the regulations for Committee review at a later date.

4.3 Discussion regarding Public Notice Requirements. The Committee discussed the issue, and Mr. Gillespie will provide examples of modifications to the requirements for Committee review at a later date.

5. MINUTES – Minutes of the May 5, 2009 meeting.

Commissioner Roberts noted suggested a revision to the draft minutes.

Motion: Commissioner Oickle motioned to approve the minutes with the suggested revision.

Second: Commissioner Munroe seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Minutes approved as drafted.

6. STAFF REPORTS

There were no staff reports.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There were no public comments.

8. CORRESPONDENCE

There was no correspondence submitted.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 PUBLIC HEARING APPLICATION NO. 1668-09-Z Ewa Nowak Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages at 1797 Berlin Turnpike (Makris Midtown Diner).

10. ADJOURNMENT

Motion to adjourn at 8:23 PM – by Commissioner Dean.

Seconded – by Commissioner Knecht.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary